



Decision \_\_\_\_\_

**FILED**

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

9-02-16  
04:59 PM

Order Instituting Rulemaking Regarding Whether to Adopt, Amend, or Repeal Regulations Governing the Award of Intervenor Compensation.

Rulemaking 14-08-020  
(Filed August 28, 2014)

**INTERVENOR COMPENSATION CLAIM OF THE CENTER FOR BIOLOGICAL DIVERSITY AND DECISION ON INTERVENOR COMPENSATION CLAIM OF THE CENTER FOR BIOLOGICAL DIVERSITY**

<b>Intervenor:</b> Center for Biological Diversity (prepared and verified by Jonathan Evans)	<b>For contribution to Decision D.16-08-025</b>	
<b>Claimed:</b> \$ \$12,960.50	<b>Awarded:</b> \$	
<b>Assigned Commissioner:</b> Michael P. Florio	<b>Assigned ALJ:</b> Karl J. Bemesserfer	
I hereby certify that the information I have set forth in Parts I, II, and III of this Claim is true to my best knowledge, information and belief. I further certify that, in conformance with the Rules of Practice and Procedure, this Claim has been served this day upon all required persons (as set forth in the Certificate of Service attached as Attachment 1).		
<b>Signature:</b>		/s/ Jonathan Evans
<b>Date:</b> Sept. 2, 2016	<b>Printed Name:</b>	Jonathan Evans

**PART I: PROCEDURAL ISSUES (to be completed by Intervenor except where indicated)**

<b>A. Brief description of Decision:</b>	Adopting new Rule 17.5 requiring applicants for a Certificate of Public Convenience and Necessity - or other Commission action - who are not regulated public utilities subject to the jurisdiction of the Commission, to post a bond or equivalent security instrument sufficient to pay the anticipated costs of any related intervenor compensation awards.
--	--

**B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:**

	<b>Intervenor</b>	<b>CPUC Verified</b>
<b>Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):</b>		
1. Date of Prehearing Conference (PHC):	Nov. 19, 2014	
2. Other specified date for NOI:		

3. Date NOI filed:	Dec. 19, 2014	
4. Was the NOI timely filed?		
<b>Showing of customer or customer-related status (§ 1802(b)):</b>		
5. Based on ALJ ruling issued in proceeding number:	R. 14-08-020	
6. Date of ALJ ruling:	Feb. 18, 2015	
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer or customer-related status?		
<b>Showing of “significant financial hardship” (§ 1802(g)):</b>		
9. Based on ALJ ruling issued in proceeding number:	R. 14-08-020	
10. Date of ALJ ruling:	Feb. 18, 2015	
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		
<b>Timely request for compensation (§ 1804(c)):</b>		
13. Identify Final Decision:	R. 14-08-020	
14. Date of issuance of Final Order or Decision:	Aug. 18, 2016	
15. File date of compensation request:	Sept. 2, 2016	
16. Was the request for compensation timely?		

**C. Additional Comments on Part I (use line reference # as appropriate):**

#	Intervenor’s Comment(s)	CPUC Discussion

///

///

///

**PART II: SUBSTANTIAL CONTRIBUTION (to be completed by Intervenor except where indicated)**

**A. Did the Intervenor substantially contribute to the final decision (see § 1802(i), § 1803(a), and D.98-04-059). (For each contribution, support with specific reference to the record.)**

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
1. Accepting Center for Biological Diversity's (CBD) suggestion and modifying "the proposed Rule to clarify that the form of the bond must be such as to satisfy the ALJ that it can in fact be drawn on to pay all anticipated intervenor compensation claims."	<ul style="list-style-type: none"> <li>• D.16-08-025 (8/18/2016) at 6.</li> <li>• Proposed Decision of Commissioner Florio (6/14/2016) at 6-7</li> <li>• Assigned Commissioner's Ruling Proposing and Soliciting Comments on Modifications to Text of Originally Proposed New Rule 17.5 (4/12/2016) at 2;</li> <li>• Assigned Commissioner's Ruling Proposing and Soliciting Comments on Modifications to Text of Originally Proposed New Rule 17.5 (3/17/2016) at 1-2.</li> </ul>	
2. CBD emphasized support and justification for Alternative 2, bonding or equivalent financial requirement, which was adopted by the CPUC in Rule 17.5.	<ul style="list-style-type: none"> <li>• D.16-08-025 (8/18/2016) at 2, Appendix A.</li> <li>• Assigned Commissioner's Ruling Proposing Changes to the Commission's Rules of Practice and Procedure and Seeking Additional Public Comments (Mar. 13, 2015) at 2-4.</li> <li>• Comments of the CBD (9/18/2014) at 6-9.</li> <li>• Prehearing Conference Statement of the CBD (11/10/2014) at 2-3.</li> <li>• Opening Brief of the CBD (1/23/2015) at 5-6.</li> <li>• Comments of the CBD on Proposed Changes to the Commission's Rules of Practice and Procedure (2/11/2016) at 3-5.</li> <li>• Comments of the CBD on the Proposed Decision (6/29/2016) at 3-5.</li> </ul>	

3. CBD provided factfinding support for the findings of fact that “[i]ntervenors who make substantial contributions to ratesetting proceedings in which there is no public utility subject to our jurisdiction risk not getting compensated” by explaining the Nevada Hydro proceeding that precipitated this rulemaking from a participating intervenor’s perspective.	<ul style="list-style-type: none"> <li>• D.16-08-025 (8/18/2016) at 8.</li> <li>• Comments of the CBD (9/18/2014) at 2-4.</li> <li>• Opening Brief of the CBD (1/23/2015) at 2-3.</li> <li>• Comments of the CBD on Proposed Changes to the Commission’s Rules of Practice and Procedure (2/11/2016) at 2-3.</li> <li>• Comments of the CBD on the Proposed Decision (6/29/2016) at 2-3.</li> </ul>	
---	---	--

**B. Duplication of Effort (§ 1801.3(f) and § 1802.5):**

	<b>Intervenor’s Assertion</b>	<b>CPUC Discussion</b>
<b>a. Was the Office of Ratepayer Advocates (ORA) a party to the proceeding?<sup>1</sup></b>	No	
<b>b. Were there other parties to the proceeding with positions similar to yours?</b>	Yes	
<b>c. If so, provide name of other parties:</b> Consumer Federation of California (CFC), The Utility Reform Network (TURN), and Ratepayers of Lake Alpine Water Company		
<p><b>d. Intervenor’s claim of non-duplication:</b></p> <p>The Center for Biological Diversity coordinated with other affected parties such as CFC, TURN, and Southern California Edison (SCE) in order to coordinate efforts, avoid duplication, and note areas where multiple parties supported the same position. CBD Pre Hearing Conference Statement (filed Nov. 10, 2014) at 4. The parties also coordinated to support Alternative 2 and why it was superior, and the issues outlined by the CPUC, and hearing procedure proposed by the CPUC. <i>Id.</i> Finally, the parties coordinated a proposal for testimony, a hearing, and schedule. <i>Ibid.</i> at 5.</p> <p>Because the parties all had slightly varying opinions on this matter individual briefing was appropriate. The parties worked to assure their positions were not duplicative and provided individual perspectives. To the extent there was overlap, it was because the parties chose to emphasize a point that was unified across their varied interests. Where there may have been duplication on certain issues the Center for Biological Diversity’s arguments, analysis, factual support, and attachments</p>		

<sup>1</sup> The Division of Ratepayer Advocates was renamed the Office of Ratepayer Advocates effective September 26, 2013, pursuant to Senate Bill No. 96 (Budget Act of 2013: public resources), which was approved by the Governor on September 26, 2013.

supplemented, complemented, and contributed to the recommendation of another party. <i>See</i> Cal. Pub. Util. Code § 1802.5. The parties coordinated to urge the CPUC to not hold hearings or submit individual motions in order to maximize efficiency of the resources of the parties and the CPUC.	
--	--

**C. Additional Comments on Part II (use line reference # or letter as appropriate):**

#	Intervenor's Comment	CPUC Discussion

**PART III: REASONABLENESS OF REQUESTED COMPENSATION (to be completed by Intervenor except where indicated)**

**A. General Claim of Reasonableness (§ 1801 and § 1806):**

<b>a. Intervenor's claim of cost reasonableness:</b>	<b>CPUC Discussion</b>
<p>From the outset the claimant provided support and information regarding alternative 2, which later adopted by the CPUC. <i>See e.g.</i> Comments of the CBD (9/18/2014) at 6-9, Prehearing Conference Statement of the CBD (11/10/2014) at 2-3. In its final decision, the CPUC accepting CBD's suggestion and modified "the proposed Rule to clarify that the form of the bond must be such as to satisfy the ALJ that it can in fact be drawn on to pay all anticipated intervenor compensation claims." D.16-08-025 (8/18/2016) at 6. Claimant's information regarding the experience in the proceedings that precipitated the rulemaking provided the CPUC with valuable background regarding the viability and basis for the rulemaking. For example claimant helped demonstrate how the establishment of the bonding requirement helped avoid the construction of a project that was the genesis of the rulemaking proceeding that would have potentially cost \$684 million in Project costs, (D.11-07036 at 2), which are far in excess of the compensation claims related to the proceedings.</p> <p>CBD's participation benefits ratepayers by helping to assure that the Intervenor Compensation Program effectively allows a mechanism for "the program [to] be more effective in promoting consumer participation in today's regulatory processes [and] ultimately broaden participation" by helping to assure that the ability for consumers and consumer advocates to participate in the CPUC process equally applies to non-public utilities or out of state companies. D.98-04-059 at 14. Because the rulemaking at question here is forward looking it is difficult to forecast the costs that would be saved by future intervenors' benefits to the ratepaying proceeding for consumers. However, the ability of bonding requirement to promote and broaden "consumer participation" benefits the statutory purpose of the intervenor compensation program and ultimately the ratepayer by incentivizing the ability to advocate for lower rates, broader participation, and environmental protection.</p>	

<b>b. Reasonableness of hours claimed:</b>  Claimant has participated in the related proceedings by Nevada Hydro that spurred this Rulemaking since 2007, but is not seeking any reimbursement for those efforts here. Since the initiation of the current rulemaking proceeding, Claimant submitted 6 separate comments, filings, or briefs which provided substantial information and support for the CPUC during its decision making. Approximately 45 hours for a proceeding that lasted roughly three years resulted from CBD's efforts to minimize the number of hours claimed in the proceeding.	
<b>c. Allocation of hours by issue:</b> See Attachment 1- Allocation of Hours by Issue.	

**B. Specific Claim:\***

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
April Sommer, attorney	2014	26.2	\$305	Resolution ALJ-329; Attachment 2	\$7,991			
April Sommer, attorney	2015	4.5	\$320	Resolution ALJ-329; Attachment 2	\$1,440			
April Sommer, attorney	2016	4.4	\$330	Resolution ALJ-329; Attachment 2	\$1,452			
Subtotal: \$ 10,883						Subtotal: \$		
OTHER FEES								
Describe here what OTHER HOURLY FEES you are Claiming (paralegal, travel **, etc.):								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Subtotal: \$						Subtotal: \$		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Jonathan Evans, attorney	2016	11.4	\$175 (1/2 of \$350 rate)	Resolution ALJ-329; D.14-11-038; Attachment 2	\$1,995.00			
April Sommer, attorney	2016	.5	\$165 (12/ of \$330 rate)	Resolution ALJ-329; Attachment 2	\$82.50			

<b>Subtotal: \$ 2,077.50</b>				<b>Subtotal: \$</b>
<b>COSTS</b>				
<b>#</b>	<b>Item</b>	<b>Detail</b>	<b>Amount</b>	<b>Amount</b>
	Photocopying, mailing, telephone, on-line legal research	Costs waived	\$0	
<b>TOTAL REQUEST: \$ 12,960.50</b>				<b>TOTAL AWARD: \$</b>
<p>**We remind all intervenors that Commission staff may audit their records related to the award and that intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor's records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time typically compensated at ½ of preparer's normal hourly rate</p>				
<b>ATTORNEY INFORMATION</b>				
<b>Attorney</b>	<b>Date Admitted to CA BAR<sup>2</sup></b>	<b>Member Number</b>	<b>Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation</b>	
April Sommer	December 2008	257967	No	
Jonathan Evans	December 2006	247376	No	

**C. Attachments Documenting Specific Claim and Comments on Part III (Intervenor completes; attachments not attached to final Decision):**

Attachment or Comment #	Description/Comment
1	Allocation of Hours by Issue and Timesheets
2	Attorney and Hourly Rate Summary
3	Certificate of Service

**D. CPUC Disallowances and Adjustments (CPUC completes):**

Item	Reason

<sup>2</sup> This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch> .

--	--

**PART IV: OPPOSITIONS AND COMMENTS**  
**Within 30 days after service of this Claim, Commission Staff**  
**or any other party may file a response to the Claim (see § 1804(c))**

(CPUC completes the remainder of this form)

<b>A. Opposition: Did any party oppose the Claim?</b>	
---	--

If so:

Party	Reason for Opposition	CPUC Discussion

<b>B. Comment Period: Was the 30-day comment period waived (see Rule 14.6(c)(6))?</b>	
---	--

If not:

Party	Comment	CPUC Discussion

**FINDINGS OF FACT**

1. Intervenor [has/has not] made a substantial contribution to D.\_\_\_\_\_.
2. The requested hourly rates for Intervenor's representatives [,as adjusted herein,] are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses [,as adjusted herein,] are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$\_\_\_\_\_.



### **CONCLUSION OF LAW**

1. The Claim, with any adjustment set forth above, [satisfies/fails to satisfy] all requirements of Pub. Util. Code §§ 1801-1812.

### **ORDER**

1. Intervenor is awarded \$\_\_\_\_\_.
2. Within 30 days of the effective date of this decision, \_\_\_\_\_ shall pay Intervenor the total award. [for multiple utilities: “Within 30 days of the effective date of this decision, ^, ^, and ^ shall pay Intervenor their respective shares of the award, based on their California-jurisdictional [industry type, for example, electric] revenues for the ^ calendar year, to reflect the year in which the proceeding was primarily litigated.”] Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15, beginning [date], the 75<sup>th</sup> day after the filing of Intervenor’s request, and continuing until full payment is made.
3. The comment period for today’s decision [is/is not] waived.
4. This decision is effective today.

Dated \_\_\_\_\_, at San Francisco, California.

### Certificate of Service by Customer

I hereby certify that I have this day served a copy of the foregoing **INTERVENOR COMPENSATION CLAIM OF CENTER FOR BIOLOGICAL DIVERSITY AND DECISION ON INTERVENOR COMPENSATION CLAIM** by (check as appropriate):

- ☐ hand delivery;
- ☐ first-class mail; and/or
- ☒ electronic mail

to the following persons appearing on the official Service List:

See attached service list

Executed this second day of September, 2016, at Oakland, California.

/s/ Jonathan Evans

Jonathan Evans  
Center for Biological Diversity  
1212 Broadway  
Suite 800  
Oakland, CA. 94619

**Attachment 1:  
Allocation of Hours by Issue and  
Timesheets**

**Claimant: Center for Biological Diversity**

**For contribution to D.16-08-025**

In the attached time sheets the attorneys worked on a number of specific issues as well as on general issues that are identified below. The identification of each issue below is based upon the contributions of the intervenors as outlined in section II.A of the Claim for Intervenor Compensation and attorney time records. The Center for Biological Diversity estimates approximately the following allocation of total resource time by April Sommer and Jonathan Evans by issue in this proceeding:

Issues Areas (with number code corresponding to section II.A.) % of time

1. CPUC accepting Center for Biological Diversity's (CBD) suggestion and modifying "the proposed Rule to clarify that the form of the bond must be such as to satisfy the ALJ that it can in fact be drawn on to pay all anticipated intervenor compensation claims."	10%
2. CBD emphasized support and justification for Alternative 2, bonding or equivalent financial requirement, which was adopted by the CPUC in Rule 17.5.	40%
3. CBD provided factfinding support for the findings of fact that "[i]ntervenors who make substantial contributions to ratesetting proceedings in which there is no public utility subject to our jurisdiction risk not getting compensated" by explaining the Nevada Hydro proceeding that precipitated this rulemaking from a participating intervenor's perspective.	10%
7. Review of documents from CPUC and associated parties; administrative issues related to the proceeding; coordination with clients and other parties.	25%
8. Issues not covered in D. 14-03-006 or associated rulings from the Administrative Law Judge or Commissioner.	15%

## Hours for contribution to D.16-08-025; Center for Biological Diversity

Hours toward substantial contribution in the proceeding			
Attorney	Activity	Date	Hours
April Rose Sommer	Review filed document and research thereof	9/15/2014	1.3
April Rose Sommer	Review filed document; Draft protest and comments on Order Instituting Rulemaking (OIR)	9/15/2014	1.1
April Rose Sommer	Drafting Protest and comments on OIR; research regarding proceeding	9/16/2014	1.0
April Rose Sommer	Drafting Protest; Research regarding CPUC legal issues and bond requirements	9/16/2014	2.8
April Rose Sommer	Drafting Protest and comments on OIR; research regarding proceeding	9/17/2014	2.4
April Rose Sommer	Drafting Protest and research regarding proceeding and protest	9/17/2014	2.3
April Rose Sommer	Drafting Protest and comments on OIR; research regarding proceeding	9/18/2014	3.6
April Rose Sommer	Drafting Protest and research regarding proceeding and protest	9/18/2014	1.0
April Rose Sommer	Drafting Protest; Finalize, serve, and file comments on OIR	9/18/2014	0.9
April Rose Sommer	Review parties comments on OIR	10/9/2014	0.4
April Rose Sommer	Review reply comments and order	11/5/2014	0.4
April Rose Sommer	Review filed document	11/6/2014	0.1
April Rose Sommer	Drafting Pre Hearing Conference Statement	11/6/2014	0.5
April Rose Sommer	Drafting Pre Hearing Conference Statement; Research and analysis regarding legal and factual issues	11/6/2014	1.2
April Rose Sommer	Conference call; meet and confer regarding Pre Hearing Conference statement	11/7/2014	0.5
April Rose Sommer	Drafting Pre Hearing Conference Statement; Research and analysis regarding legal and factual issues	11/7/2014	0.5

April Rose Sommer	Drafting Pre Hearing Conference Statement; Research and analysis regarding legal and factual issues	11/10/2014	0.9			
April Rose Sommer	Finalize, file, and serve Prehearing Conference Statement.	11/10/2014	0.6			
April Rose Sommer	Attending Prehearing conference	11/19/2014	2.0			
April Rose Sommer	Research and drafting of notice of intent to claim intervenor compensation; filing and service of notice of intent to claim intervenor comp.	11/19/2014	2.7			
			2014 hours	Rate	2014 Total	
			26.2		\$305.00	\$7,991.00
April Rose Sommer	Research and drafting of opening brief; filing and service of opening brief	1/23/2015	1.6			
April Rose Sommer	Review filed documents of other parties related to proceeding	2/20/2015	0.5			
April Rose Sommer	Drafting reply brief; filing and service of reply brief	2/20/2015	1.6			
April Rose Sommer	Review and analysis of proposed decision.	3/13/2015	0.4			
April Rose Sommer	Review and analysis of proposed decision; communication thereof	3/16/2015	0.4			
			2015 hours	Rate	2015 Total	
			4.5		\$320.00	\$1,440.00
April Rose Sommer	Drafting comments on proposed changes to the Commission's Rules of Practice and Procedure.	2/10/2016	0.5			
April Rose Sommer	Drafting comments on proposed changes to the Commission's Rules of Practice and Procedure; filing and service of proposed rule	2/11/2016	1.9			
April Rose Sommer	Drafting comments on proposed changes to the Commission's Rules of Practice and Procedure; filing and service of proposed rule	6/29/2016	2.0			
			2016 hours	Rate	2016 Total	
			4.4		\$330.00	\$1,452.00

Hours toward preparation of the intervenor compensation claim

---

April Rose Sommer	Review and analysis of intervenor compensation request; drafting of intervenor comp request	9/1/2016	0.5			
			2016 hours	1/2 Rate		
			0.5		\$165.00	\$82.50
Jonathan Evans	Review of decision; compilation of information related to intervenor comp claims	8/25/2016	0.4			
Jonathan Evans	Review of decision and rulings; communication with A.Sommer regarding intervenor comp claim	8/26/2016	0.8			
Jonathan Evans	Review and compilation of hours; preparation of intervenor comp. claims	8/29/2016	5.8			
Jonathan Evans	Preparation of intervenor compensation claim	9/1/2016	2.6			
Jonathan Evans	Finalize, file and service intervenor compensation claim	9/2/2016	1.8			
			2016 hours	Rate	Total	
			11.4		\$175.00	\$1,995.00
				Total fees		\$12,960.50

## **Attachment 2:**

### **Attorney and Hourly Rate Summary**

#### **CLAIM AND DECISION ON REQUEST FOR INTERVENOR COMPENSATION**

**Claimant: Center For Biological Diversity**

**For contribution to D.16-08-025**

#### **Attorneys**

**April Sommer** was admitted to practice law in California in 2008 after receiving her J.D. from Emory University School of Law where she specialized in environmental law. She received a B.S. in Natural Resources from Cornell University, where she gained a background in the technical and scientific aspects of energy policy.

She is currently the Executive Director and Lead Counsel of The Protect Our Communities Foundation (POC), a non-profit with over a decade of experience advocating on behalf of ratepayers and the environment before the CPUC. At POC she is responsible for CPUC administrative cases, judicial appeals of CPUC decisions, and other regulatory agency approvals. She has seven years of experience practicing energy law including in proceedings before the CPUC, CEC, EPA, and various local, state, and federal agencies and courts.

Prior to joining POC she was a Staff Attorney at the Center for Biological Diversity (CBD) where she specialized in challenging the development of fossil fuel infrastructure projects and advocating for better land use practices through the California Environmental Quality Act (CEQA). She developed CBD's California Public Utilities Commission program, litigating a docket of cases through the CPUC's administrative process as part of a strategy to promote a cleaner energy future through state regulatory processes. She also carried a docket of cases challenging a variety of ill conceived developments and land use planning through the application of CEQA.

She has worked extensively with experts and spent significant time developing an expertise in the engineering of power generation, distribution, and transmission systems and the complex regulatory scheme governing the electrical grid. She regularly acts as a consultant to colleagues and outside partners on both the technical and legal aspects of energy development.

Prior to joining the staff of CBD, she had her own practice where she worked on California Energy Commission's (CEC) proceedings related to new natural gas fired power plants, petitioned for California Supreme Court review of CEC decisions, and worked on issues related to the Prevention of Significant Deterioration permits before the Environmental Appeals Board.

A rate of \$305 for 2014 is appropriate due to the years Ms. Sommer has been practicing energy and environmental law per ALJ-329 (Adopting Intervenor Compensation Rates for 2016 and Addressing Related Matters) and Ms. Sommers' topical expertise. A rate of \$320 for 2015 is appropriate as a "step increase" within the experience level. A rate of \$330 for 2016 is appropriate due to the increase in rate range for 8-12 year attorneys practicing energy and environmental law per ALJ-329 (Adopting Intervenor Compensation Rates for 2016 and Addressing Related Matters) and Ms. Sommers' topical expertise. Ms. Sommers' energy and environmental expertise and past CPUC and CEC work weigh in favor of a rate towards the higher end of the CPUC's spectrum. This rate is below the market rate Ms. Sommers would obtain for his hourly rate. Ms. Sommers' hours are found in Attachment 1.

**Jonathan Evans** was admitted to practice law in California in 2006 after receiving his J.D. from the University of Oregon School of Law where he was Editor-In-Chief of the Western Environmental Law Update. He graduated with Honors from the University of California at Berkeley where he received a B.S. in Conservation and Resource Studies.

Mr. Evans has worked as an attorney with the Center since 2006 and has extensive experience in litigating environmental cases under the California Environmental Quality Act, Clean Air Act, and federal Endangered Species Act. He has worked on several proceedings before the California Public Utilities Commission including substantial contributions in the following proceedings: D1110041, D1304028, and D1411038.

His practice also involves work under the California Public Utilities Code, Clean Water Act, National Environmental Policy Act, Federal Insecticide Fungicide and Rodenticide Act, and state planning and zoning laws. He has been admitted to practice in the Supreme Court of California, the U.S. District Court for the Southern, Central, and Northern Districts of California, and the District of Columbia Court of Appeals.

He has also participated in the development and implementation of regional multiple species habitat conservation plans under the state and federal Endangered Species Acts. Mr. Evans has lectured extensively on global warming, environmental health, and endangered species issues before representatives from industry, municipalities, and environmental groups. He has also authored several journal articles on the subject of natural resource use, land use, and legislative reform of endangered species protection.

Based on D1110041, D1304028, and D1411038 Mr. Evans has been awarded rates of \$225 for 2009, \$235 for 2010, \$280 for 2011, \$300 for 2012, and \$305 in 2013 and 2014. A rate of \$350 for 2016 is appropriate due to the increase in rate range for attorneys with 8-12 years of experience based on ALJ-329 (Adopting Intervenor Compensation Rates for 2016 and Addressing Related Matters) and Mr. Evans topical expertise. Mr. Evans' environmental expertise and past CPUC work and awards weigh in favor of a rate towards the higher end of the CPUC's spectrum. This rate is below the market rate Mr. Evans would obtain for his hourly rate. Mr. Evans' hours are attached in Attachment 1.